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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 8TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE P.VISHWANATHA SHETTY

Writ Petition No. 22751 of 1994

Shivaji Rao  
S/o Narasinga Rao Devakar  
Major, R/o No.27, Nehrunagar  
Gokul Road, Hubli  
Dist. Dharwad

.. PETITIONER

(By Sri Veerendra Patil, Advocate)

- Vs -

1. The Director of Land Records  
K.R.Circle  
Bangalore - 560 001
2. The Asst. Director of Land Records  
Hubli-Dharwad  
Hubli
3. Janardhan Hanumantharao Jadhav
4. Narayan Hanumantharao Jadhav
5. Savantravva  
W/o Hanumantharao Jadhav

Sl.No. 3 to 5 are majors  
R/o Green Garden, Rajadhani  
Housing Colony, Behind K.S.R.T.C.  
Depot, Gokul Road, Hubli - 30  
Dist. Dharwad

.. RESPONDENTS

(By Sri B.E.Kotian, Addl. Government Advocate)

This writ petition is filed under Articles 226 and 227 of the Constitution of India praying to quash the order dt. 12.7.94 passed by R1 vide Annexure-F and etc.

This petition coming on for preliminary hearing in 'B' group this day, the Court made the following:

99

ORDER

Sri B.E.Kotian, learned Government Advocate is directed to take notice for respondents-1 and 2.

2. In this petition, the petitioner has called in question the correctness of the Order dated 12th July 1994, a copy of which has been produced as Annexure-F passed by the 1st respondent rejecting the revision petition filed by the petitioner on the short ground that since the petitioner had a right of appeal, the revision petition filed by the petitioner was not maintainable.

3. Sri Veerendra Patil, learned counsel for the petitioner submitted that the order impugned rejecting the revision petition filed by the petitioner on the ground the revision petition is not maintainable is erroneous in law. He submits that the petitioner has not preferred any appeal challenging the order which was impugned in the revision petition and under those circumstances, the revision petition filed by the petitioner was maintainable in law. In

*[Signature]*

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support of this submission, he relied upon a decision of the Supreme Court in the case of PUTTAHONNAMMA VS. GANGADHAR MURTHY reported in ILR 1996 KAR 1225 wherein the Supreme Court held that a party is precluded from filing a revision petition if <sup>only</sup> he has filed an appeal. This position is not disputed by the learned Government Advocate. Therefore, the order impugned is liable to be quashed. Accordingly, the Order-Annexure-F dated 12th July 1994 is hereby quashed. The 1st respondent is directed to reconsider the revision petition filed by the petitioner on merits and in accordance with law. The petitioner is directed to appear before the 1st respondent on 20th July 1998. The 1st respondent is directed to dispose of the revision petition within three months from 20th July 1998. This petition is accordingly allowed and disposed of in terms stated above. Rule is issued and made absolute.

*Wm*

101

4. Sri B.E.Kotian, learned Government Advocate is given four weeks' time to file his memo of appearance.

Sd/-  
JUDGE

pmg/

